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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,273	11/21/2000	Hubert Helaine	Q61623	8432

7590

09/03/2003

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,273

Applicant(s)

HELAINE ET AL.

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 05.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Regarding claims 3,10 and 17, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,4-9,11-16,18-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Leung et al (6195546).
3. Regarding claim 1 Leung et al teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the terminal user (col. 7, lines 7-30, col. 10, lines 10-40, col. 12, lines 40-61).

Regarding claim 2 Leung et al teaches wherein the terminal is a mobile terminal (Fig. 1 MS 138).

Regarding claims 4,11,18 Leung et al teaches wherein the protected provisioning data storage means are adapted to store a plurality of sets of provisioning data for a plurality of accesses to the data network (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67).

Regarding claims 5,12 and 19 Leung et al teaches wherein it includes identification data storage means for each provisioning set stored in the protected provisioning data storage means (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67).

Regarding claims 6,13,20 Leung et al teaches wherein the protected provisioning data storage means are in a medium dedicated to an access network or to an operator (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67).

Regarding claims 7, 17, and 21 Leung et al teaches wherein the protected provisioning data storage means are in a medium dedicated to an access or content provider (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67).

Regarding claim 8 Leung et al teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access network operator (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67).

Regarding claim 15 Leung et al teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access provider (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,10,17 rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (6195545) and further in view of Palkisto (6505047).

6. Regarding claims 3,10 and 17 Leung et al does not specifically teach packet switched data using Internet protocol or wireless application protocol.

In an analogous art, Palkisto teaches packet switched data using Internet protocol or wireless application protocol (abstract, fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Leung et al by specifically adding features of packet switched purpose of the use for packet radio network for any systems as taught by Palkisto.

7. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (6195545) and further in view of Alanara (6064880).

Regarding claim 22 Leung et al teaches a method of updating provisioning data in a telecommunications terminal for accessing a data network via an access network and an access provider, the method including the steps of (abstract): provisioning data for an access network, an access provider or a user; and protecting the provisioning data to prevent it being updated without the intervention of the user, an access network operator or the access provider (col. 6, lines 37-45, col. 20, lines 20-30, col. 4, lines 56-67). Leung et al does not specifically teach backing up provisioning data for an access network. Allows simple programming of a mobile station and does it securely so that the subscriber mobile station is not hijacked for unauthorized purposes.

In an analogous art, Alanara teaches backing up provisioning data for an access network (abstract, col. 4, lines 45-67). The mobile station has short code memory (SCM) for securing user-specified information in specific format. The contents of SCM are transferred via network and stored in memory center (MC). The retransmitting of content of MC through network to same or different mobile station independent of data storage format is achieved. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Leung et al by specifically adding features of backing up provisioning data purpose of protecting provisioning data as taught by Palkisto.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huelamo (6603970), Chang et al (6549771), Axelson (6493549), Park (6408175) and Leung (6195705) teach initiated parameter updated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal


**CHARLES APPIAH
PRIMARY EXAMINER**